

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ROBERT ROSS, et al.,
Plaintiffs,

v.

ABERCROMBIE & FITCH
COMPANY, et al.,
Defendants.


Case No. 2:05-CV-819
(Lead case)
JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Terence P. Kemp

ORDER

This matter is before the Court for consideration of the Motion filed by Plaintiffs in the Shareholder Derivative action (case nos. 05-860, 05-964, 05-998 and 05-1084) for Reconsideration or, in the alternative, Clarification of a portion of this Court's March 22, 2007 *Opinion and Order*. In the Order, the Court addressed the merits of Defendant Abercrombie's Motion to Stay discovery in the shareholder derivative cases. The Court erroneously stated that the cases were subject to a discovery stay under the statutory provisions applicable to the six companion securities cases. To this extent, the motion filed by the derivative Plaintiffs (**Doc. #96**, 05-819; **Doc. #55**, 05-860; **Doc. # 40**, 05-998) is well-taken and is **GRANTED**. The discovery stay in the securities cases was to be in place until the Court decided the Motions to Dismiss. In view of the Court's decision on the motions, filed by separate *Opinion and Order*, the discovery stay has expired. The parties shall proceed with discovery in both the securities and shareholder derivative cases as directed by the Magistrate Judge.

IT IS SO ORDERED.

8-9-2007
DATE


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE